

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
JAN 31 2018
Clerk, U.S. Courts
District Of Montana
Missoula Division

JEROME HAMOUS,

Plaintiff,

vs.

JOHN KESTELL, and CHUCK
BARLOW,

Defendants.

CV 17-121-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on October 31, 2017, recommending that Plaintiff Jerome Hamous' ("Hamous") case be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. (Doc. 6 at 5-6.) Hamous timely objected and is entitled to a de novo review of those findings and recommendations to which he specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v.*

Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

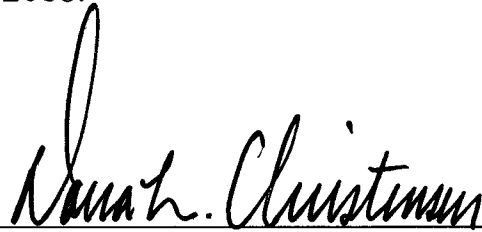
Judge Lynch concluded, and this Court agrees, that Hamous has attempted to plead a discrimination claim under the Fair Housing Amendments Act but that his Amended Complaint (Doc. 5) fails to state facts essential to such a claim.

Hamous' objection fails to present any new evidence and, instead, reiterates the same facts and arguments already reviewed by Judge Lynch. Hamous' objection is merely a rehashed argument of the same allegations made in his Amended

Complaint. Consequently, this Court reviews for clear error and, finding none,

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 6) are ADOPTED IN FULL and this action is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

DATED this ~~31~~st day of January, 2018.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looped initial "D".

Dana L. Christensen, Chief Judge
United States District Court